

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MIKE FIELDS,
Plaintiff,
v.
MARLYN RAMIREZ,
Defendant

Case No. 2:21-cv-02102-CDS-EJY

ORDER

10 Pending before the Court is Defendant's Motion for Stay of Discovery (ECF No. 25). The
11 Court has considered Defendant's Motion, Plaintiff's Opposition (ECF No. 27), and Defendant's
12 Reply (ECF No. 28). Defendant's moving papers fail to address the standard applicable to a motion
13 seeking a stay of discovery. Defendant instead states that she "filed a Motion to Dismiss challenging
14 the validity of the Plaintiff's claim." ECF No. 25 at 1.

15 “[F]iling a motion to dismiss does not automatically stay discovery in federal court.”
16 *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597 (D. Nev. 2011). Defendant, as the party seeking a stay
17 of discovery, carries the heavy burden of showing why discovery should not be allowed. *Turner*
18 *Broadcasting Sys. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997) (Internal citation omitted).
19 The single sentence offered by Defendant in support of her requested stay of discovery is an
20 insufficient basis to support her request.

21 Accordingly, IT IS HEREBY ORDERED that Defendant's Motion for Stay of Discovery
22 (ECF No. 25) is DENIED.

23 IT IS FURTHER ORDERED that Defendant must meet and confer with counsel for Plaintiff
24 no later than May 13, 2022 for the purpose of finalizing and filing a joint discovery plan and
25 scheduling order. If the parties cannot come to an agreement on a joint proposed plan, each party
26 may file its own proposed discovery plan no later than May 16, 2022.

1 IT IS FURTHER ORDERED that Defendant's failure to participate in good faith in
2 preparation of the proposed joint discovery plan and scheduling order shall result in adoption of
3 Plaintiff's proposed plan.

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5 Dated this 5th day of May, 2022.

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ELAYNA J. YOUCRAH
UNITED STATES MAGISTRATE JUDGE